



Item # 9

Law
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA DATE: 4/6/2006
ITEM NO:

Subject: Approve an ordinance correcting Part One of Ordinance Number 20060302-063 amending Section 25-2-647 of the Code relating to mixed use combining district regulations and vertical mixed use buildings.

Amount and Source of Funding:

Fiscal Note:

Requesting Department: LAW

For More Information: Marci Morrison, Assistant City Attorney, 974-2568

Prior Council Action: Council approved the ordinance on March 2, 2006.

Boards and Commission Action:

Purchasing Language:

MBE/WBE:

On March 2, 2006, the City Council approved an ordinance amending Section 25-2-647 of the City Code relating to mixed use combining district regulations and vertical mixed use buildings. That ordinance contains a section specifying the process for determining the availability of certain vertical mixed use development tools for areas within a neighborhood plan. As it is currently drafted, the tools are available until the neighborhood contact team requests their elimination.

The corrective ordinance provides that the tools are not available until the contact team has had an opportunity to review the appropriateness of the tools and recommend their inclusion to the Planning Commission and Council as an appropriate tool to be used. The corrective ordinance requires compliance with minimum site area requirements, maximum floor area requirement, or maximum building coverage requirement as set forth in the Land Development Code until the contact team review process is completed, the recommendations are considered by the Planning Commission, and a final ordinance is passed by Council.

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 25-2-647 OF THE CITY CODE RELATING TO MIXED USE COMBINING DISTRICT REGULATIONS AND VERTICAL MIXED USE BUILDINGS; AND PROVIDING FOR EMERGENCY PASSAGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-2-647 (*Mixed Use (MU) Combining District Regulations*) of the City Code is amended to add Subsection (H) to read:

(H) This subsection applies to a vertical mixed use building, except a building located in the university neighborhood overlay (UNO) district.

(1) In this subsection:

(a) NET FRONTAGE LENGTH is determined by subtracting required drive aisles and stairs that occur at the building perimeter from the gross length of building frontage.

(b) VERTICAL MIXED USE BUILDING means a building that meets the following requirements:

(i) A use on the ground floor must be different from a use on an upper floor.

(ii) Along not less than 75 percent of the net frontage length, the building must be designed for at least two commercial uses in ground floor spaces that each have:

1. a customer entrance that opens directly onto the sidewalk;
2. a depth of not less than 24 feet;
3. a height of not less than 12 feet, measured from the finished floor to the bottom of the structural members of the ceiling; and
4. a front facade with not less than 50 percent of the wall area between two and 10 feet above grade constructed of glass with a visible transmittance rating of 0.6 or higher.

1 (iii) Motor vehicle parking is not permitted between the front
2 building facade and the front lot line.

3 (2) The minimum off-street parking requirement for a vertical mixed use
4 building is 60 percent of that prescribed by Chapter 25-6, Appendix A
5 (Tables Of Off-Street Parking And Loading Requirements).

6 (3) [(2)] Except as provided in Paragraph (4), a [A] vertical mixed use
7 building is not subject to:

8 (a) [~~except as provided in Paragraph (4),~~] the minimum site area
9 requirements of Subsection (G); or

10 (b) the following requirements of Section 25-2-492(C) (*Site*
11 *Development Regulations*):

12 (i) minimum front yard setback;

13 (ii) minimum street side yard setback;

14 (iii) minimum interior yard setback; [~~or~~]

15 (iv) [~~except as provided in Paragraph (4):~~

16 ~~1.] maximum floor area ratio; or~~

17 (v) [2.] maximum building coverage.

18 [~~(3) The minimum off street parking requirement for a vertical mixed use~~
19 ~~building is 60 percent of that prescribed by Chapter 25-6, Appendix A~~
20 ~~(Tables Of Off-Street Parking And Loading Requirements).]~~

21 (4) This paragraph applies to a vertical mixed use building located on
22 property designated as a MU combining district and [zoned] as a
23 neighborhood plan (NP) combining district before March 13, 2006.

24 (a) A vertical mixed use building must comply with the minimum site
25 area requirements of Subsection (G) and the floor area ratio and
26 minimum building coverage requirements of Section 25-2-492(C)
27 (Site Development Regulations), unless:

28 (i) the 90-day time period prescribed by Subparagraph (c) expires
29 without an application described in Subparagraph (c) being
30 filed; or

1 (ii) an application described in Subparagraph (c) is filed and the
2 council determines that a vertical mixed use building on the
3 property is not subject to the minimum site area requirements of
4 Subsection (G), or the floor area ratio requirement or minimum
5 building coverage requirement of Section 25-2-492(C) (Site
6 Development Regulations).

7 ~~(a) The council may, by ordinance, require the vertical mixed use~~
8 ~~building to comply with:~~

9 ~~(i) the minimum site area requirements of Subsection (G); or~~

10 ~~(ii) the maximum floor area ratio or maximum building coverage~~
11 ~~requirement prescribed by Section 25-2-492(C) (Site~~
12 ~~Development Regulations).]~~

13 (b) The director shall notify the neighborhood planning or contact team
14 for a NP combining district that a property within the district is
15 designated as a MU combining district.

16 (c) [(b)] The [neighborhood planning or contact] team [for the NP
17 combining district] may, not later than the 90th day after the notice
18 is sent [June 11, 2006], submit an application to the city manager
19 requesting that the council require a [one or more] vertical mixed
20 use building on the property [buildings in the district] to comply
21 with the minimum site area requirements, maximum floor area ratio
22 requirement, or maximum building coverage requirement.

23 (d) [(e)] The planning commission shall review a request and make a
24 recommendation to council [not later than July 26, 2006].

25 (e) [(d)] The council shall consider the planning commission's
26 recommendation before acting [and act] on a request [not later than
27 July 26, 2006].

28 (f) The council may, by ordinance, require a vertical mixed use
29 building on the property to comply with the minimum site area
30 requirements, maximum floor area requirement, or maximum
31 building coverage requirement.

32 (5) This subsection expires on the effective date of an ordinance adopting
33 commercial design standards that include requirements for vertical
34 mixed use buildings.

1 **PART 2.** The council finds that the need to preserve the status quo while the
2 neighborhood planning or contact team for a neighborhood plan combining district
3 considers the effect of vertical mixed use buildings on the district constitutes an
4 emergency. Because of this emergency, this ordinance takes effect immediately on its
5 passage for the immediate preservation of the public peace, health, and safety.

6 **PASSED AND APPROVED**

7
8
9
10 _____, 2006

§
§
§

Will Wynn
Mayor

11
12
13
14
15 **APPROVED:** _____
16 David Allan Smith
17 City Attorney

15 **ATTEST:** _____
16 Shirley A. Gentry
17 City Clerk